

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ABDIEL F. AVILA,	:	
	:	
	:	
Petitioner,	:	Civ. No. 20-9422 (NLH)
	:	
v.	:	MEMORANDUM OPINION & ORDER
	:	
	:	
BRUCE DAVIS,	:	
	:	
	:	
Respondent.	:	

APPEARANCES:

Abdiel F. Avila
788891C
New Jersey State Prison
PO Box 861
Trenton, NJ 08625

Petitioner Pro se

Jill S. Mayer, Acting Camden County Prosecutor
Jason Magid, Assistant Prosecutor
Office of the County Prosecutor
200 Federal Street
Camden, NJ 08103

Attorneys for Respondent

HILLMAN, District Judge

WHEREAS, Petitioner Abdiel Avila filed a petition for writ
of habeas corpus pursuant to 28 U.S.C. § 2254, see ECF No. 1;
and

WHEREAS, the Court ordered Respondent to answer the petition on July 16, 2020, see ECF No. 14; and

WHEREAS, Respondent requests an extension until September 29, 2020 to submit its answer, ECF No. 20; and

WHEREAS, Petitioner objects to the extension and requests default judgment, ECF Nos. 21 and 22; and

WHEREAS, "[d]efault judgment is inapplicable in the habeas context." Riley v. Gilmore, No. 15-351, 2016 WL 5076198, at *1 n.2 (E.D. Pa. Sept. 20, 2016), certificate of appealability denied sub nom. Riley v. Superintendent Greene SCI, No. 16-3954, 2017 WL 5068120 (3d Cir. Feb. 9, 2017); see also In re West, 591 F. App'x 52, 54 n.3 (3d Cir. 2015) ("Even if the Government had failed to respond to the § 2255 motion, it does not follow that West is entitled to a default judgment."); George v. United States, No. 17-2641, 2018 WL 1064220, at *2 (D.N.J. Feb. 27, 2018). Therefore, Petitioner's motion for a default judgment is denied, ECF No. 21; and

WHEREAS, the Court will grant Respondent a brief extension over Petitioner's objection,

THEREFORE, IT IS on this 16th day of September, 2020

ORDERED that Petitioner's motion for a default judgment, ECF No. 21, is denied; and it is further

ORDERED that Respondent's request for an extension, ECF No. 20, is granted. The response is due September 29, 2020; and it is finally

ORDERED that the Clerk shall send Petitioner a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.